



DEFENSE INTELLIGENCE AGENCY

MILITARY EO PROGRAM

MILITARY EQUAL OPPORTUNITY ADVISOR



DIA'S MILITARY EO PROGRAM

PURPOSE

- **LINK WITHIN THE IC COMMUNITY**
- **SUPPORT PROMOTE & ENFORCE MEO**
- **MECHANISM TO ADDRESS/RESOLVE MEO
ISSUES**



DIA'S MILITARY EO PROGRAM VISION

**TO LEAD IN THE PROMOTION OF AN
ENVIRONMENT FREE FROM
DISCRIMINATORY BARRIERS THAT
PREVENT SERVICE MEMBERS FROM
RISING TO THE HIGHEST LEVEL OF
RESPONSIBILITY, COMMENSURATE
WITH THEIR ABILITIES.**



MILITARY EO PROGRAM INITIATIVES

- **IMPLEMENTED “FIRST EVER” DOD
JOINT
MEO COMPLAINT PROCESS**
- **FORMED A MILITARY EO COUNCIL**



MILITARY EO REGULATION DIAR 27-3

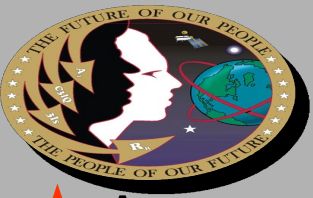
- **ESTABLISHES A MEO PROGRAM
WITHIN DIA**
- **CREATES THE MEO COUNCIL**
- **PROMULGATES POLICY PROHIBITING
DISCRIMINATION AND REPRISAL**
- **OUTLINES THE COMPLAINT**



MILITARY EO COUNCIL



- **CONSISTS OF CROSS-SECTION OF MILITARY/CIVILIAN**
- **ASSISTS IN IDENTIFYING BARRIERS TO MEO**
- **IDENTIFY & RECOMMEND CAREER DEVELOPMENT OPPORTUNITIES**
- **ASSISTS IN RESOLVING ACTUAL AND PERCEIVED SYSTEMIC INEQUITIES**
- **ASSISTS THE SEP'S TO IDENTIFY MILITARY SOURCES FOR SPONSORING SPECIAL EVENTS & POTENTIAL RECRUITMENT**



EO Complaint Process for Joint Activities

BOARD MEMBERS

- ★ Army (29th FTG)
- HQ Defense Intelligence Agency
- Washington Headquarters Services
- DOD Director, Military Equal Opportunity
- Defense Information Systems Agency
- Central Intelligence Agency
- National Reconnaissance Organization
- National Women's Law Center
- KLF Group Management Consultants
- Women in the Military Information Network



EO Complaint Process for Joint Activities GUIDANCE

➤ “Commanders of joint organizations and Directors of Defense Agencies should establish discrimination and sexual harassment complaint procedures.”

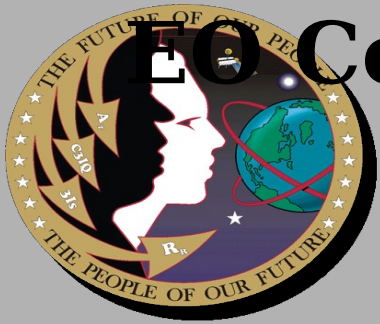
➤ “Commanders of joint organizations and Directors of Defense Agencies should take corrective actions and issue administrative sanctions, if appropriate, in all cases of substantiated complaints within their organizations.”



EO Complaint Process for Joint Activities

GUIDANCE (cont'd)

- “Establish Department-wide standards for discrimination complaint processing and resolution as set forth in the DEOC Task Force on Discrimination and Sexual Harassment Report.
- “Establish an EO program that complies with the guidelines of this Directive and reflects the standards, values, and principles of existing Service programs, resources and counseling services...Some Service members may only know of, or be comfortable using, their parent Service’s complaint system” and “should [therefore] not be denied the benefit of their parent Service’s EO and counseling systems **if necessary to ensure the DOD standards...**”



EO Complaint Process for Joint Activity INITIATIVE

Establish a single Joint Activity-specific EO complaints process that:

- **Meets DOD standards on complaints handling**
- **Allows military members assigned to Joint Agencies to elect either:**
 - ◆ **Service complaint procedures, or**
 - ◆ **Joint Agency complaint procedures**
- ***NOTE: Commanders are obligated by law to initiate investigations on all sexual harassment allegations***



EO Complaint Process for Joint Activity

INITIATIVE (cont)

Establish a single Joint Activity-specific EO complaints process that:

- ➔ Permits Joint Activities to conduct all complaint clarifications/investigations, and refer recommendations for corrective actions to UCMJ authority, if appropriate, in all cases of substantiated complaints within their organizations, and**
- ➔ Identify organization(s) for compliance and oversight of complaint process**



0 Complaint Process for Joint Activities **INFORMAL COMPLAINT**

(Seeks only to have alleged actions stopped)

- **Handle through traditional informal complaint process**
- **Joint Activity EO Offices or Chain of Command can accept informal complaints**
- **Allow for Alternative Dispute Resolution (ADR) option**
 - ◆ (ADR suspends the 60-day clock to file formal complaint)



EO Complaint Process for Joint Activities ADR

- Available to complainant as voluntary option during informal complaint phase**
 - ◆ Specialist assigned by Chief of Joint Activity EEO/EO Office**
 - ◆ Dependent upon availability of ADR trained specialist**
- Enables 30 day resolution attempt via mediation**
- Allows complainant to opt for formal complaint process should ADR fail**

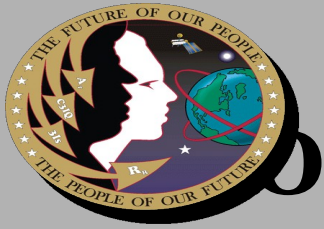


60 Complaint Process for Joint Activities

INFORMAL COMPLAINT TIMEFRAMES

ACTION WITHIN:

- ◆ **File informal complaint** *60 days of last incident*
- ◆ **Begin clarification** *72 hours of receipt*
- ◆ **Complete informal clarification, or ADR** *30 days from filing*



Complaint Process for Joint Activities

FORMAL COMPLAINT TIMEFRAMES (cont'd)

<u>ACTION</u>	<u>WITHIN</u>
◆ File formal complaint	<i>60 days of last incident*</i>
◆ Appoint investigator	<i>72 hours of complaint receipt</i>
◆ Provide oral notice to Principals	<i>Within 57 days</i>
◆ Complete investigation	<i>Complete w/i 60 days of filing**</i>

□ *Timeframe for filing formal complaint may be tolled while complaint is in ADR

□ **Complete within 20 days of filing or update General Courts Martial Convening Authority every 14 days until complete



Complaint Process for Joint Activities

FORMAL COMPLAINT TIMEFRAMES (cont'd)

ACTION

WITHIN

- | | |
|---|---------------------------------|
| ◆ Commander's decision & feedback to principles | 14 days receipt of final report |
| ◆ Appeal of complaint decision | 7 days of receipt |
| ◆ Follow-up | 120-180 days |
| ◆ Maintain files | Not less than 3 years |



EO Complaint Process for Joint Activities

WHO ACCEPTS FORMAL COMPLAINTS

- **Chain of command, or**
- **Joint Activity Equal Opportunity Office *directly***
 - ◆ Forms and filing of complaints would be available via Internet, by fax, or telephonically



EO Complaint Process for Joint Activities

FORMAL COMPLAINT

(Seeks adjudication)

- **Complaint is formal when member signs complaint form, or**
 - **Submits E-mail complaint to Joint Activity EEO/EO Office**
 - **Complaint may become formal when:**
 - ◆ **ADR unsuccessful in resolving issue**
 - ◆ **Member disagrees with results of informal complaint clarification**
- ▮ *NOTE: If member does not file formal complaint yet act was egregious, UCMJ authority may pursue non-EO investigation*



EO Complaint Process for Joint Activities

FORMAL COMPLAINT FORMAT

- **Aggrieved individual's personal information**
- **Allegation(s):** Issue, Basis, Dates, Witnesses, Impact, etc.
- **Previously reported to...**
- **Desired remedy**
- **Timelines**
- **Subsequent actions taken**
 - ◆ **Audit trail**



EO Complaint Process for Joint Activities

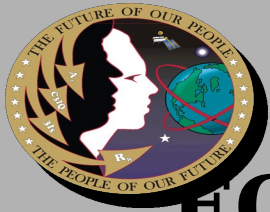
WHO CONDUCTS INVESTIGATIONS

Preferred

- Trained EO Officer/NCO (E7 or Above)
- EEO Specialist

Alternative

- If 1 or 2 otherwise unavailable, may employ officers/NCOs of other Services/OSD Agencies
 - ◆ DEOMI-trained officer review required
 - ◆ Assistance provided by General Counsel/JAG



EO Complaint Process for Joint Activities

FORMAL COMPLAINT INVESTIGATION REPORT FORMAT

- **Background**
- **Chronology of events**
- **Analysis**
 - ◆ Thorough review of facts/circumstances relevant to allegation(s)
 - ◆ Addresses each allegation separately
 - ◆ Allows comments by complainant and respondent
- **Conclusions**
 - ◆ Based upon preponderance of evidence
- **Recommended corrective actions**
- **Completed report to Commander via EO Office**



Complaint Process for Joint Activities

COMMANDER'S DECISION

Within 14 days of Commander's receipt of final report of investigation:

- Will issue written analysis and decision on issue of discrimination**
- Explain any deviation from investigator's recommended decision**
- Provide feedback to complainant, respondent, and supervisory chain of command**



EO Complaint Process for Joint Activities

REMEDIAL ACTION/ACCOUNTABILITY

- **Possible actions against military personnel determined to have discriminated**
 - ◆ Administrative actions as appropriate by Joint Activity
 - ◆ UCMJ/Captain's Mast pursued based upon severity of act(s)
 - **Referred to Service command element for disposition**
 - ◆ Annotation made in eval/fitness report of military personnel found to have discriminated
- **Possible actions against civilian personnel determined to have discriminated**
 - ◆ Appropriate action administered by Human Resources component



EO Complaint Process for Joint Activities

APPEALS PROCESS

- **Complainant and respondent (if military member) can appeal Commander's final decision within 7 days of receipt to General Courts Martial Convening Authority**
- **Final appeal to military member's Service Secretary**



EO Complaint Process for Joint Activities

PREVENTION OF REPRISAL PLAN

➤ Overt acts of Commander/Director

- ◆ Sets tone against reprisal
- ◆ Plan to protect complainant, alleged perpetrator, named witnesses
 - *Not a pledge of confidentiality*
- ◆ One-page list of bulletized actions
 - Initialed/dated upon completion
- ◆ Included in final investigative report

➤ Complaint follow-up



EEO Complaint Process for Joint Activities

PROCESS REPORTING

- **No report required for individual informal complaints**
 - ◆ Informal complaint/ADR files retained at Joint Activity EEO/EO office
 - ◆ Informal complaint/ADR info not forwarded to Service components
- **All formal complaints reported to respective Service component**
- **NOTE: Aggregate summary reports will be provided as required**